IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

MACA.No. 1194 of 2007()

OPMV.1984/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR
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APPELLANTS/PETITIONERS:
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1. **AMBIKA MOHAN KUMAR, W/O.LATE MOHAN KUMAR AGED 33 YEARS, VALLOPPILLIL HOUSE, THAIKKATTUKARA P.O., ALWAYE VILLAGE, ALWAYE DESOM, PIN-683 106.**

2. **DEEPTHI MOHAN, D/O.LATE MOHAN KUMAR, MINOR, REPRESENTED BY MOTHER AMBIKA MOHAN KUMAR, W/O.LATE MOHAN KUMAR,AGED 33 YEARS, VALLOPPILLIL HOUSE,THAIKKATTUKARA P.O., ALWAYE VILLAGE, ALWAYE DESOM, PIN-683 106.**

3. **DIVYA MOHAN, D/O.LATE MOHAN KUMAR, REPRESENTED BY MOTHER AMBIKA MOHAN KUMAR, VALLOPPILLLIL HOUSE, THAIKKATTUKARA P.O., ALWAYE-683106.**

4. **V.RADHAMMA, W/O.CHINNAN NAIR (LATE), VALLOPPILLLIL HOUSE, THAIKKATTUKARA P.O., ALWAYE VILLAGE, ALWAYE DESOM- 683106.**

BY ADV. SRI.SHEJI P.ABRAHAM

RESPONDENTS/RESPONDENTS:
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1. **VALIYAPARAMBIL VEETTIL JOY, S/O.JOSEPH, AGED ABOUT 48 YEARS, KEEZHMAD KARA, ALWAYE EAST VILLAGE.**

2. **KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY MANAGING DIRECTOR, THIRUVANANTHAPURAM.**

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.NO.1194 OF 2007 ()

Dated this the 4th day of July, 2007

J U D G M E N T

KOSHY,J.

A 44 year old man was knocked down by a KSRTC bus driven by the 1st respondent. His wife, children and mother filed a claim petition before the Motor Accident Claims Tribunal contending that accident occurred due to the negligence of the 1st respondent, driver of the bus owned by the 2nd respondent. They claimed a compensation of Rs.6,00,000/-. Tribunal found that the accident occurred due to the negligence of the driver of the vehicle. However, against a claim of Rs.6,00,000/-, only Rs.3,41,600/- with 7% interest was awarded. Only quantum of compensation is disputed.

2. Main contention raised by the claimants is that deceased was employed as a lift operator and was getting Rs.186/- as daily wages. Certificate was produced from a

building contractor and it was produced as Ext.A7. After reading the certificate and evidence adduced by PW2, Tribunal found that deceased was only a daily worker engaged as and when necessary and he has no continuous job. Therefore taking into all accounts, Rs.2,500/- was taken as the monthly income and thereafter $^{1}/_{3}^{rd}$ was deducted for calculating the dependency compensation. After deducting $^{1}/_{3}^{rd}$, Rs.1,670/- was taken as the loss of dependency and considering the age of the deceased, 15 was taken as the multiplier taking guideline from the second schedule Tribunal awarded dependency compensation of Rs.3,00,600/-. Considering the circumstances of the case, we are of the opinion that just and reasonable compensation is granted and no interference is required and hence this appeal is dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

2nd July, 2007